

AMENDED IN SENATE MAY 24, 2013

AMENDED IN SENATE APRIL 1, 2013

SENATE BILL

No. 654

Introduced by Senators Leno and Padilla
(Coauthors: Senators Hancock and Yee)

February 22, 2013

An act to amend Sections ~~9001~~, 9002, 9004, and 9006 of, and to add Sections ~~9006.5, 9023, 9023~~ and 11042.5 to, the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 654, as amended, Leno. Ballot measure petitions: translations.

(1) Existing law requires the Attorney General, upon receipt of the text of a proposed initiative or referendum measure, to prepare a circulating title and summary of the chief purpose and points of the proposed measure. Existing law requires the Attorney General to provide a copy of the circulating title and summary of a proposed initiative measure to the proponents of the measure and the Secretary of State within 15 days, as specified. Existing law requires the Attorney General to provide a copy of the circulating title and summary of a proposed referendum measure to the proponents of the measure and the Secretary of State within 10 days after receipt of the proposed referendum.

This bill would require the Attorney General to provide a notice to the proponents stating that, if the proponents intend to circulate the petition for the proposed initiative or referendum measure, the proponents shall submit a list of specified counties in which the petition will be circulated. This bill would require the proponents of an initiative or referendum measure, ~~at the time of submitting the text of the proposed measure to the Attorney General,~~ to submit a list of specified counties

in which the initiative or referendum petition will be circulated *no later than 5 days after receipt of the circulating title and summary*. Upon submission of the list, this bill would require the Attorney General to prepare a translation of the circulating title and summary of the proposed initiative or referendum measure in a language other than English under certain circumstances. ~~If the Attorney General is required to prepare a translation, this bill would require the~~ *This bill would require the* Attorney General to provide a copy of ~~the circulating title and summary and its translation~~ *each translation* to the proponents and the Secretary of State ~~within 25 days, as specified, for a proposed initiative measure and within 20 days after receipt of a proposed referendum measure, as specified.~~

(2) Existing law permits any person who is a voter or who is qualified to register to vote in the state to circulate an initiative or referendum petition for signature and imposes certain requirements on these circulators.

If an initiative or referendum petition is circulated in a specified county, this bill would require a copy of the applicable translated circulating title and summary prepared by the Attorney General to be attached to the petition and available to each person whom the circulator solicits in that language to sign the petition. This bill would also require a circulator to provide a copy of the applicable translated circulating title and summary to any person upon request.

(3) Existing provisions of the California Constitution and statute authorize the recall of state officers. Existing law requires the proponents of the recall to file 2 blank copies of the petition to recall the officer with the Secretary of State, who is required to ascertain if the proposed form and wording of the petition meet specified requirements.

This bill would require the proponents of a recall of a state officer, at the time of filing the 2 blank copies of the petition with the Secretary of State, to submit a list of specified counties in which the recall petition will be circulated. If the proponents submit this list of counties, this bill would require the Secretary of State, within 10 days after ascertaining that the proposed form and wording of the recall petition meet specified requirements, to prepare a translation of the petition in each applicable minority language of the counties identified by the proponents, and provide a copy of each translation to the proponents.

(4) Existing law requires a recall petition to use a specified format and contain certain information. Under existing law, any person who

is a registered voter of the electoral jurisdiction of the officer sought to be recalled may circulate the recall petition for signatures.

If a recall petition is circulated in a specified county, this bill would require a copy of the applicable translation of the petition prepared by the Secretary of State to be attached to the petition and available to each person whom the circulator solicits in that language to sign the petition. This bill would also require the circulator to provide a copy of the translation of the petition to any person upon request.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 9001 of the Elections Code is amended~~
2 ~~to read:~~
3 ~~9001. (a) (1) Prior to the circulation of an initiative or~~
4 ~~referendum petition for signatures, the text of the proposed measure~~
5 ~~shall be submitted to the Attorney General with a written request~~
6 ~~that a circulating title and summary of the chief purpose and points~~
7 ~~of the proposed measure be prepared. The electors presenting the~~
8 ~~request shall be known as the “proponents.” The Attorney General~~
9 ~~shall preserve the written request until after the next general~~
10 ~~election.~~
11 ~~(2) The proponents of an initiative or referendum measure, at~~
12 ~~the time of submitting the text of the proposed measure to the~~
13 ~~Attorney General, shall submit to the Attorney General a list of~~
14 ~~the counties in which the petition will be circulated that are covered~~
15 ~~by Section 203 (42 U.S.C. Sec. 1973aa-1a) or Section 4(f)(4) (42~~
16 ~~U.S.C. Sec. 1973b(f)(4)) of the federal Voting Rights Act of 1965.~~
17 ~~(b) Each proponent of a proposed initiative measure shall, at~~
18 ~~the time of submitting the text of the proposed measure, provide~~
19 ~~both of the following:~~
20 ~~(1) An original signed certification stating that “I, (insert name),~~
21 ~~declare under penalty of perjury that I am a citizen of the United~~
22 ~~States, 18 years of age or older, and a resident of (insert county),~~
23 ~~California.”~~
24 ~~(2) Public contact information.~~
25 ~~(c) The proponents of an initiative measure, at the time of~~
26 ~~submitting the text of the proposed measure to the Attorney~~
27 ~~General, shall pay a fee of two hundred dollars (\$200), which shall~~

1 be placed in a trust fund in the office of the Treasurer and refunded
2 to the proponents if the measure qualifies for the ballot within two
3 years from the date the summary is furnished to the proponents.
4 If the measure does not qualify within that period, the fee shall be
5 immediately paid into the General Fund of the state.

6 ~~(d) All referenda and proposed initiative measures shall be~~
7 ~~submitted to the Attorney General's Initiative Coordinator located~~
8 ~~in the Sacramento Attorney General's Office via United States~~
9 ~~Postal Service, alternative mail service, or personal delivery. Only~~
10 ~~printed documents will be accepted; facsimile or e-mail delivery~~
11 ~~will not be accepted.~~

12 ~~(e) The Attorney General shall not deem a request for a~~
13 ~~circulating title and summary submitted until all of the~~
14 ~~requirements of this section are met.~~

15 *SECTION 1. The Legislature finds and declares all of the*
16 *following:*

17 *(a) California is a diverse state with a government selected by*
18 *the votes of its citizens. The state's robust initiative process is*
19 *designed to put lawmaking in the hands of the people, and*
20 *continues to play an important role in setting public policy with*
21 *regard to education, civil rights, fiscal policy, and other issues*
22 *that affect the lives of all Californians, including the state's 6.9*
23 *million limited-English-proficient residents. The referendum and*
24 *recall processes also play an important role in developing public*
25 *policy.*

26 *(b) The signature-gathering phase to qualify these proposed*
27 *measures for the ballot is an integral part of the state's electoral*
28 *system.*

29 *(c) The federal Voting Rights Act of 1965 (42 U.S.C. Sec. 1971*
30 *et seq.) prohibits discriminatory voting practices and protects the*
31 *rights of voters with limited English proficiency by requiring*
32 *covered jurisdictions to provide voting materials in the language*
33 *of specified minority groups. However, ballot measure petitions,*
34 *which are circulated for signature in hopes of qualifying a measure*
35 *for the ballot, are not required to be provided in other languages*
36 *under existing law. As a result, millions of voters with limited*
37 *English proficiency are excluded from playing a role in*
38 *determining which proposed measures qualify for the ballot.*

39 *(d) The provision of translated versions of circulating titles and*
40 *summaries of initiative and referendum measures, and of translated*

1 *versions of recall petitions, will further the purpose of the federal*
2 *Voting Rights Act and ensure that voters with limited English*
3 *proficiency have the ability to exercise their fundamental*
4 *democratic rights.*

5 SEC. 2. Section 9002 of the Elections Code is amended to read:

6 9002. (a) ~~Except as provided in subdivision (c) of Section~~
7 ~~9004, the~~ The Attorney General shall provide a copy of the title
8 and summary to the ~~Secretary of State~~ *proponents* within 15 days
9 after receipt of the final version of a proposed initiative measure,
10 or, if a fiscal estimate or opinion is to be included, within 15 days
11 after receipt of the fiscal estimate or opinion prepared by the
12 Department of Finance and the Joint Legislative Budget Committee
13 pursuant to Section 9005. If during the 15-day period the
14 proponents of the proposed initiative measure submit amendments,
15 other than technical, nonsubstantive amendments, to the final
16 version of the measure, the Attorney General shall provide a copy
17 of the title and summary to the Secretary of State within 15 days
18 after receipt of the amendments.

19 (b) The amendment shall be submitted with a signed request by
20 all the proponents to prepare a circulating title and summary using
21 the amended language.

22 (c) The amendment shall be submitted to the Attorney General's
23 Initiative Coordinator located in the Sacramento Attorney General's
24 Office via United States Postal Service, alternative mail service,
25 or personal delivery. Only printed documents will be accepted;
26 facsimile or e-mail delivery will not be accepted.

27 SEC. 3. Section 9004 of the Elections Code is amended to read:

28 9004. (a) Upon receipt of the text of a proposed initiative
29 measure, the Attorney General shall prepare a circulating title and
30 summary of the chief purposes and points of the proposed measure.
31 The circulating title and summary shall not exceed a total of 100
32 words. The Attorney General shall also provide a unique numeric
33 identifier for each proposed initiative measure. The circulating
34 title and summary shall be prepared in the manner provided for
35 the preparation of ballot titles and summaries in Article 5
36 (commencing with Section 9050), the provisions of which, in
37 regard to the preparation, filing, and settlement of ballot titles and
38 summaries, are hereby made applicable to the circulating title and
39 summary.

~~(b) Except as provided in subdivision (c), the~~ The Attorney General shall provide a copy of the circulating title and summary and its unique numeric identifier to the proponents ~~and to the Secretary of State within 15 days after receipt of the fiscal estimate or opinion prepared by the Department of Finance and the Joint Legislative Budget Committee pursuant to, as specified in Section 9005 9002.~~ The date the copy is delivered or mailed to the proponents is the “official summary date.” *The Attorney General shall include with the copy of the circulating title and summary a notice stating that, if the proponents intend to circulate the proposed initiative measure, the proponents shall, no later than five days after receipt of the copy of the circulating title and summary, submit to the Attorney General a list of the counties in which the petition will be circulated that are covered by Section 203 (42 U.S.C. Sec. 1973aa-1a) or Section 4(f)(4) (42 U.S.C. Sec. 1973b(f)(4)) of the federal Voting Rights Act of 1965.*

(c) If the proponents intend to circulate the initiative measure petition, the proponents shall, no later than five days after receipt of the copy of the circulating title and summary, submit to the Attorney General a list of the counties in which the petition will be circulated that are covered by Section 203 (42 U.S.C. Sec. 1973aa-1a) or Section 4(f)(4) (42 U.S.C. Sec. 1973b(f)(4)) of the federal Voting Rights Act of 1965. Upon receipt of the list of counties, the Attorney General shall prepare a translation of the circulating title and summary of the proposed initiative measure in each applicable minority language for the counties identified by the proponents that are covered by Section 203 (42 U.S.C. Sec. 1973aa-1a) or Section 4(f)(4) (42 U.S.C. Sec. 1973b(f)(4)) of the federal Voting Rights Act of 1965. The Attorney General shall provide a copy of each translation to the proponents no later than 10 days after receipt of the list of counties.

~~(e)~~

~~(d) In the event that the Attorney General is required to prepare a translation of the circulating title and summary pursuant to Section 9006.5, the~~ The Attorney General shall provide a copy of the circulating title and summary, ~~its translation, and its unique numeric identifier, the list of counties identified by the proponents, and each translation of the circulating title and summary to the proponents and the Secretary of State within 25 10 days after receipt of the fiscal estimate or opinion prepared by the Department~~

~~of Finance and the Joint Legislative Budget Committee pursuant to Section 9005. The Attorney General shall also provide the Secretary of State with a list of the counties identified by the proponents pursuant to paragraph (2) of subdivision (a) of Section 9001.~~ *list of counties identified by the proponents.*

~~(d)~~

(e) Upon receipt of the circulating title and summary from the Attorney General, the Secretary of State shall, within one business day, notify the proponents and county elections official of each county of the official summary date and provide a copy of the circulating title and summary to each county elections official. ~~In the event that the Secretary of State receives from the Attorney General a translation of the circulating title and summary pursuant to subdivision (c), the~~ *The* Secretary of State shall *also* provide the relevant translation to the county elections official in each county identified by the proponents ~~pursuant to paragraph (2) of subdivision (a) of Section 9001. This~~ *The* notification *provided pursuant to this subdivision* shall also include a complete schedule showing the maximum filing deadline, and the certification deadline by the counties to the Secretary of State.

SEC. 4. Section 9006 of the Elections Code is amended to read:

9006. (a) Upon receipt of the text of a proposed referendum, the Attorney General shall prepare a circulating title and summary of the chief purpose and points of the proposed statute at issue. The circulating title and summary shall not exceed a total of 100 words. No fiscal analysis shall be included.

~~(b) Except as provided in subdivision (c), the~~ *The* Attorney General shall provide a copy of the circulating title and summary of the proposed referendum to the proponents ~~and to the Secretary of State~~ within 10 days after receipt of the proposed referendum. *The Attorney General shall include with the copy of the circulating title and summary a notice stating that, if the proponents intend to circulate the proposed referendum measure, the proponents shall, no later than five days after receipt of the copy of the circulating title and summary, submit to the Attorney General a list of the counties in which the petition will be circulated that are covered by Section 203 (42 U.S.C. Sec. 1973aa-1a) or Section 4(f)(4) (42 U.S.C. Sec. 1973b(f)(4)) of the federal Voting Rights Act of 1965.*

1 (c) *If the proponents intend to circulate the referendum measure*
2 *petition, the proponents shall, no later than five days after receipt*
3 *of the copy of the circulating title and summary, submit to the*
4 *Attorney General a list of the counties in which the petition will*
5 *be circulated that are covered by Section 203 (42 U.S.C. Sec.*
6 *1973aa-1a) or Section 4(f)(4) (42 U.S.C. Sec. 1973b(f)(4)) of the*
7 *federal Voting Rights Act of 1965. Upon receipt of the list of*
8 *counties, the Attorney General shall prepare a translation of the*
9 *circulating title and summary of the proposed referendum measure*
10 *in each applicable minority language for the counties identified*
11 *by the proponents that are covered by Section 203 (42 U.S.C. Sec.*
12 *1973aa-1a) or Section 4(f)(4) (42 U.S.C. Sec. 1973b(f)(4)) of the*
13 *federal Voting Rights Act of 1965. The Attorney General shall*
14 *provide a copy of each translation to the proponents no later than*
15 *10 days after receipt of the list of counties.*

16 (e)

17 (d) ~~In the event that the Attorney General is required to prepare~~
18 ~~a translation of the circulating title and summary pursuant to~~
19 ~~Section 9006.5, the~~ *The Attorney General shall provide a copy of*
20 *the circulating title and summary, its translation, and its unique*
21 *numeric identifier, the list of counties identified by the proponents,*
22 *and each translation of the circulating title and summary to the*
23 *proponents and the Secretary of State within 10 days after*
24 *receipt of the proposed referendum list of counties identified by*
25 *the proponents.*

26 ~~(d)~~

27 (e) Upon receipt of the circulating title and summary from the
28 Attorney General, the Secretary of State shall, within one business
29 day, notify the proponents and county elections official of each
30 county of the official summary date and provide a copy of the
31 circulating title and summary to each county elections official. ~~In~~
32 ~~the event that the Secretary of State receives from the Attorney~~
33 ~~General a translation of the circulating title and summary pursuant~~
34 ~~to subdivision (e), the~~ *The Secretary of State shall also provide*
35 *the relevant translation to the county elections official in each*
36 *county identified by the proponents pursuant to paragraph (2) of*
37 ~~subdivision (a) of Section 9001. This~~ *The notification provide*
38 *pursuant to this subdivision shall also include a complete schedule*
39 *showing the maximum filing deadline, and the certification*
40 *deadline by the counties to the Secretary of State.*

1 ~~SEC. 5. Section 9006.5 is added to the Elections Code, to read:~~

2 ~~9006.5. In the event that the proponents of an initiative or~~
3 ~~referendum measure submit to the Attorney General a list of~~
4 ~~counties pursuant to paragraph (2) of subdivision (a) of Section~~
5 ~~9001, the Attorney General shall prepare a translation of the~~
6 ~~circulating title and summary of the proposed measure in each~~
7 ~~applicable minority language for the counties identified by the~~
8 ~~proponents that are covered by Section 203 (42 U.S.C. Sec.~~
9 ~~1973aa-1a) or Section 4(f)(4) (42 U.S.C. Sec. 1973b(f)(4)) of the~~
10 ~~federal Voting Rights Act of 1965.~~

11 ~~SEC. 6.~~

12 *SEC. 5.* Section 9023 is added to the Elections Code, to read:

13 9023. In the event that the circulator of an initiative or
14 referendum petition circulates the petition in a county covered by
15 Section 203 (42 U.S.C. Sec. 1973aa-1a) or Section 4(f)(4) (42
16 U.S.C. Sec. 1973b(f)(4)) of the federal Voting Rights Act of 1965,
17 a copy of the applicable translated circulating title and summary
18 prepared by the Attorney General shall be attached to the petition
19 and available to each person whom the circulator solicits in that
20 language to sign the petition. The circulator shall also provide a
21 copy of the applicable translated circulating title and summary to
22 any person upon request.

23 ~~SEC. 7.~~

24 *SEC. 6.* Section 11042.5 is added to the Elections Code, to
25 read:

26 11042.5. (a) This section applies only to the recall of state
27 officers.

28 (b) At the time of the filing of two blank copies of the petition
29 pursuant to Section 11042, the proponents shall also submit to the
30 Secretary of State a list of the counties in which the petition will
31 be circulated that are covered by Section 203 (42 U.S.C. Sec.
32 1973aa-1a) or Section 4(f)(4) (42 U.S.C. Sec. 1973b(f)(4)) of the
33 federal Voting Rights Act of 1965.

34 (c) If the proponents submit a list of counties pursuant to
35 subdivision (b), the Secretary of State, within 10 days after
36 ascertaining that the proposed form and wording of the petition
37 meet the requirements of this chapter, shall prepare a translation
38 of the petition in each applicable minority language for the counties
39 identified by the proponents that are covered by Section 203 (42
40 U.S.C. Sec. 1973aa-1a) or Section 4(f)(4) (42 U.S.C. Sec.

1 1973b(f)(4)) of the federal Voting Rights Act of 1965, and provide
2 a copy of each translation to the proponents.

3 (d) If a recall petition is circulated in a county covered by
4 Section 203 (42 U.S.C. Sec. 1973aa-1a) or Section 4(f)(4) (42
5 U.S.C. Sec. 1973b(f)(4)) of the federal Voting Rights Act of 1965,
6 a copy of the applicable translation of the petition prepared by the
7 Secretary of State shall be attached to the petition and available
8 to each person whom the circulator solicits in that language to sign
9 the petition. The circulator shall also provide a copy of the
10 applicable translation of the petition to any person upon request.